IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

Crl.Rev.Pet.No. 443 of 2007()

CRA.25/2004 of ADDL.SESSIONS COURT-III, KOZHIKODE
CC.274/2003 of JUDL.MAGISTRATE OF FIRST CLASS-I, THAMARASSERY

REVN. PETITIONER: APPELLANT/ACCUSED

P.K.MUHAMMED, AGED 38 YEARS,
S/O.AHAMMED HAJI, PALAKKAMPOYIL HOUSE,
VALIYAPARAMBA, KODUVALLY, KOZHIKODE.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT AND STATE

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1. BIJOSH JOHN, S/O.M.JOHN,
KOONHULIKKAL HOUSE, CHERUKADU P.O.,
ATHYODI, KOZHIKODE TALUK.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.SAKIR.K.H. R1
BY PUBLIC PROSECUTOR SHRI C.K. SURESH R2

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO. 443 OF 2007

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Dated this the 31st day of January, 2007

O R D E R

Heard. Admitted. Advocate Shri K.H. Sakir took notice for first respondent and Public Prosecutor for second respondent. Criminal Revision Petition itself is heard and disposed of as agreed to by counsel on both sides.

2. Revision petitioner was found guilty of an offence punishable under Section 138 of the Negotiable Instruments Act in C.C. No.274 of 2003 on the file of the Judicial First Class Magistrate, Thamarassery. Conviction and sentence were confirmed by the learned Additional Sessions Judge, Kozhikode in Crl. Appeal No. 25 of 2004. Hence this Criminal Revision Petition.

3. It is submitted by counsel on both sides that matter has been settled out of court. Parties have filed Crl. M.A. No.1298 of 2007 for compounding the offence. Today I have allowed that application. Hence this Criminal Revision Petition is

only to be allowed.

In the result, Criminal Revision Petition is allowed. Conviction and sentence imposed on the revision petitioner under Section 138 of the Negotiable Instruments Act are hereby set aside. Revision Petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO.

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O R D E R

4TH JANUARY, 2007